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C O N F I D E N T I A L ABU DHABI 001342

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STATE FOR PM - R.LOFTIS

E.O. 12958: DECL: 04/04/2011
TAGS: [PREL](#) [MARR](#) [PHUM](#) [NATO](#) [AE](#) [EN](#)
SUBJECT: NATO SOLDIER SENTENCED TO 80 LASHES FOR OFFENSES
DURING AIRPORT LAYOVER

Classified By: Ambassador Michele J. Sison, reasons 1.4 (b) and (d).

¶1. (SBU) On April 3, a Shari'a court in the northern emirate of Sharjah sentenced Estonian Master Sergeant Andrei Korol to one month in jail and 80 lashes for crimes committed at Sharjah International Airport on February 23. Korol was sentenced to 40 lashes and time served for public intoxication, and three months in jail for sexual harassment. Korol chose to substitute an additional 40 lashes in lieu of the three months in jail, and will be deported following completion of his sentence.

¶2. (SBU) According to English-language dailies "Gulf News" and "Khaleej Times," Korol, an Estonian soldier attached to the NATO peacekeeping forces in Afghanistan, was arrested on February 23 during a layover on his return to Estonia. Korol reportedly purchased a large quantity of alcohol in the Sharjah duty free shops and consumed it in between his flights. Looking for a restroom, Korol reportedly found himself in the ladies room, where he molested a Sharjah policewoman of Egyptian nationality who had fallen asleep on a sofa. The arresting officers reported that they found Korol in the ladies room, lying on top of the screaming policewoman.

¶3. (SBU) Note: The Shari'a courts in the emirate of Sharjah are known among the strictest in the UAE. There is zero tolerance for public intoxication, and a penalty of 40 lashes is consistent with other cases of this nature. An additional 40 lashes in lieu of jail time is on the lenient side of the range of possible penalties for sexual assault, which often include lashes in addition to jail time. End note.

¶4. (SBU) CG Dubai received a phone call the afternoon of April 5 from his Dutch counterpart. The Dutch CG said his government had agreed to assist the Estonian government in seeking a resolution of the case. The Dutch CG was calling from the prosecutor's office in Sharjah. He had gone there under the impression that the soldier would be receiving a "very light" flogging, after which he would be released into the Dutch CG's custody. Unfortunately, the agreement regarding the flogging had apparently broken down, and the prosecutor was refusing to release the soldier. The Dutch CG said he was told by the Sharjah prosecutor that "the Americans are pressuring us not to carry out the lashing." Instead, the prosecutor will be appealing the case, and seeking the maximum 15-year imprisonment sentence. The soldier "collapsed" upon hearing the news, according to the Dutch CG, who noted that "the legal case is now back to square one." (Note: Neither Embassy nor ConGen Dubai has been in contact with UAE authorities on this matter. End Note.)

15. (C) Comment: This case is instructive for U.S. armed forces and coalition personnel who are in the UAE on ship visits, deployed, transiting, and training here. There are approximately 1,400 U.S. Air Force personnel assigned here, and last year, approximately 77,000 Sailors enjoyed liberty while in UAE ports. Given the Estonian case, it behooves us to understand that UAE laws could be applied in criminal cases that involve U.S. and/or civilian personnel. Although the current U.S.-UAE Defense Cooperation Agreement (DCA) states that the U.S. retains criminal jurisdiction over all DoD personnel, the UAE has the right to enforce local laws pertaining to "Special Category of Criminal Acts" such as the one under which this soldier was prosecuted. (Note: The UAE maintains the DCA cannot be implemented because it was never ratified by each of the seven emirates. End Note.) End Comment.
SISON